

REMARKS

Claims 1-29, 69-71 and 91-92 remain in the application. Claims 1 and 9 have been amended. The Examiner is authorized to charge any fees arising from this response to Deposit Account No. 10-0096.

The Examiner has rejected Independent Claims 1 and 9, and dependent Claims 2, 4-8, 10-11, 14-15, 19, 21, 26-27 and 29, under 35 U.S.C. §102(b) as being anticipated by USP 4,292,861 (“Thornhill”). Applicant traverses this rejection on the grounds that Thornhill does not teach a **fully enclosed** seismic unit having a case in which **all** of the components of a seismic unit are disposed.

Thornhill teaches a seismic device 10 that is self-orienting. Device 10 includes a housing 12 in which is contained a geophone 20 and an antenna 22. Col. 1, Lines 65-68; Col. 2, Lines 1-5. Housing 12 is comprised of two cylindrical members 32, 34. Col. 2, Lines 19-20. Cylindrical members 32, 34 includes multiple pairs of diametrically opposite ports 156, wherein it is intended that one port is aligned with the geophone 20 and one port is aligned with the antenna 22. Col. 5, Line 67-Col. 6, Line 8. Figs. 1, 3 and 4 illustrate the ports in housing 12. Figs. 7, 8 and 9 clarify that there are 3 sets of ports extending around the perimeter of housing 12. In other words, housing 12 has six openings therein. The openings in housing 12 are provided so that the geophone 20 and antenna 22 can be ejected from housing 12 for operation of device 10. See Fig. 1.

In short, Thornhill does not provide a **fully enclosed** case as is required of Claims 1 and 13 of the Application. The openings or ports 156 of Thornhill are an important aspect of the invention since the self orienting mechanism 24 taught therein is designed to cause device 10 to move until one port 156 is facing downward (and hence allowing geophone 20 to be discharged into the earth) and one port 156 facing upward (and hence allowing antenna 22 to be extended for transmission of data).

Moreover, the geophone is not internally fixed inside the case of Thornhill since this would defeat the fundamental invention claimed therein.

For the foregoing reasons, the rejection of Independent Claims 1 and 9 under 35 U.S.C. §102 as being anticipated by Thornhill should be withdrawn and these claims should be passed to allowance.

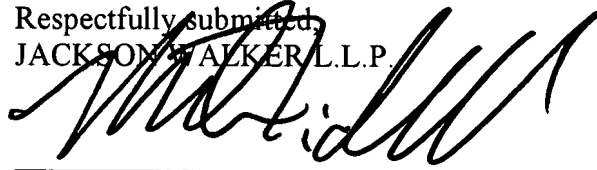
The Examiner has rejected each of dependent Claims 3, 12-13, 16-17, 20, 22-25 and 28 under 35 U.S.C. §103(a) as being unpatentable over Thornhill in view of various references. The Examiner relied on Thornhill as teaching each of the elements of Claims 1 or 9 from which the foregoing dependent claims depend. Applicant traverses each of the rejections under 35 U.S.C. §103(a) because Thornhill does not, as explained above, recite each of the elements of either Claim 1 or 9. As such, a rejection under 35 U.S.C. §103(a) combining Thornhill with the various references identified above to render the invention obvious cannot be sustained. Since Applicant has shown the base Claims 1 and 9 to be patentable, then the dependent claims should also be patentable.

For the foregoing reasons, allowance of the pending claims is earnestly solicited.

All of Applicant's arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the prior art references. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by Examiner, Applicant does not acquiesce to Examiner's additional statements, including statements referring to any motivation to combine references or any naked statements of obviousness. The example distinctions discussed by Applicant are sufficient to overcome the anticipation and obviousness rejections.

The Examiner is authorized to charge any fees arising from this response to Deposit Account
No. 10-0096.

Respectfully submitted,
JACKSON WALKER L.L.P.

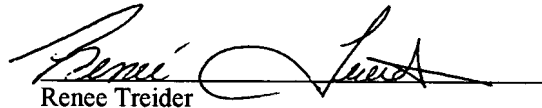


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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, with sufficient postage as First Class Mail (37 CFR 1.8(a)), in an envelope addressed to Mail Stop Response/NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: May 7, 2007



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